IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 327 (SS) OF 2006

Shyam Arya,
S/o Lacham Ram Arya,
R/o Village Naikad,
P/o Paisiya, Pati Mala Salt,
Tehsil-Bhikyasain,
District-Almora, Uttaranchal. .....Petitioner.

Versus

1. The State of Uttaranchal, through Revenue Secretary, Dehradun.
2. The Collector, Almora.
3. Sub Divisional Magistrate, Bhikyasain, Almora.
4. Tehsildar, Tehsil-Bhikiyasain, District-Almora.

.....Respondents.

Mr. A.D. Tripathi, Advocate for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing he respondents to decide the representation (contained as Annexures No. 8 & 12) of the petitioner for appointment on the post of collection Amin/ Peon.

Briefly stated, according to the petitioner, he was appointed as Seasonal Collection Amin in Tehsil Bhikyasain, District Almora vide Order No. 7 of 92-93 dated 20.10.1993 issued by the respondent no. 3 in the pay scale of Rs. 950-1500. According to the petitioner, he has worked on the said

post to the best satisfaction of the authorities and has deposited appreciable collection of revenue in the tehsil concerned and in this respect the tehsildar Bhikyasain has given an experience certificate on 07.10.1995.

According to the petitioner, he was further appointed to the post of Peaon of Patwari in Tehsil Bhikyasain vide order No. 65 of 94-95 dated 03.02.1995 passed by the respondent no. 3.

Thereafter, on 02.01.1997, the petitioner moved a representation for appointment on the post of peon of the Patwari before the respondent no. 3 for which the Tehsildar Bhikyasain called for the report from the Record Keeper, who had reported that there are five posts of peon of Patwari are lying vacant but they have not yet been filled up, but the same has not been disposed of till date.

The petitioner again moved a reminder to the respondents but in vain. Thereafter, he sent a representation to the Personal Secretary of Chief Minister Uttaranchal Dehradun along with the representation of petitioner 02.01.1997, which was replied by the respondent no. 2 vide letter No. 39/2002 dated October 10, 2002 with an assurance that since there is a ban on appointment at present now a day, but on removal of ban the application of the applicant will be considered according to law.

On 02.01.2003, the petitioner himself gave an application for appointment to the respondent no. 2 by registered post and copy of the same was also sent to Sri Ranjeet Singh MLA Salt. The respondent no. 2 vide its letter No. 16/2003 dated 24th January, 2003 replied that your application will be considered when the vacancy will be advertised in future.

Respondent no. 2 replied the letter of Sri Ranjeet Singh MLA Salt, dated 19.07.2003, vide its Office letter No.

608/2003 dated 05.11.2003 that the applicant will be informed about the appointment to the post of Amin/Peon in the newly constructed Tehil.

Petitioner has submitted that he again gave an application for employment but no appointment letter has been given to him till today despite a number of conversations were made and the petitioner again an again made applications for appointment on the post of Amin/Peon.

The grievance of the petitioner is that the representation filed by the petitioner has yet not been disposed of.

Looking to the grievance of the petitioner, the respondent no. 2 is directed to decide the representation of the petitioner filed as Annexures 8 and 12 to the writ petition within a period of six weeks from the date of the presentation of the certified copy of the order in accordance with the rules.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

08.03.2006

Rathcur